



**STATE OF NEW JERSEY**

In the Matter of Danny Aparicio and  
Ricky Wilkes, Stockton University

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

CSC Docket Nos. 2022-91  
and 2022-92

Administrative Appeals

**ISSUED: JULY 26, 2021 (ACM)**

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Stockton University requests retroactive regular appointments for Danny Aparicio and Ricky Wilkes.

By way of background, the promotional examination for Campus Police Officer Recruit (PS3707J) was announced with a closing date of August 21, 2020. Aparicio and Wilkes were the only two applicants for the subject examination that resulted in a list issued July 14, 2021 with an expiration date of July 21, 2022. It is noted that due to the COVID-19 pandemic, this agency did not conduct any in-person examinations for approximately one year. Thus, while the subject examination closed on August 21, 2020, Aparicio and Wilkes were not scheduled to take the examination until June 2021.

It is noted that Aparicio was provisionally appointed as a Campus Police Officer Recruit on July 4, 2020, and Wilkes was provisionally appointed as a Campus Police Officer recruit on May 9, 2020. They continue to serve provisionally in the subject title.

In its request to the Civil Service Commission (Commission), the appointing authority states that as a result of the suspension of in-person testing due to the COVID-19 pandemic, the August 21, 2020 announcement for the subject title was not tested until June 2021. Had it not been for the suspension of in-person testing, the appointing authority contends that the eligible list would more likely have been

promulgated at an earlier date. Therefore, based on the suspension of in-person testing, the appointing authority requests that Aparicio and Wilkes be granted retroactive permanent appointment dates in November 2020 – the time frame the eligible list would likely have been issued absent the COVID-19 pandemic.

## CONCLUSION

*N.J.A.C.* 4A:4-1.10(c) provides that when a regular appointment is made, a retroactive appointment date may be ordered due to administrative error, administrative delay or other good cause. Generally, this unique remedy has been reserved for two particular situations. First, and germane to this matter, retroactive appointment dates have been granted in circumstances in which an employee was actually serving in and performing the duties of a title, but, due to some error or other good cause, his or her attainment of permanent status was delayed or hindered. The second situation in which an employee may be awarded a retroactive date of permanent appointment is where the name of an employee, whose appointment would have otherwise been mandated, was improperly removed from or bypassed on an eligible list, thereby preventing the appointment.

The examination for Campus Police Officer Recruit (PS3707J) was announced with a closing date of August 21, 2020 but due to this agency's suspension of in-person testing, Aparicio and Wilkes did not take the test until June 2021. It is noted that the Campus Police Officer Recruit title is a single salary rate title and upon successful completion of the training period, a permanent recruit is advanced to the primary title without the usual promotional process and are regularly appointed *See N.J.A.C.* 4A:3-3.7(j). An individual serving in the Campus Police Officer Recruit title must have been permanently appointed in that title upon completion of the training period to advance to the primary title, in this case, Campus Police Officer. Therefore, individuals must be permanently appointed to the Campus Police Officer Recruit title and serve 12 months in a permanent capacity before they can be advanced to the primary, Campus Police Officer title. As such, any time served in a provisional capacity because of a delay in testing will delay the employee's movement from a single range title to a salary range title. Thus, such a delay will have an adverse compensation impact on those individuals as it extends the period they will receive the single salary rate of the Campus Police Officer Recruit title.

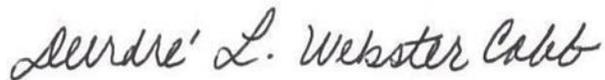
In this case, Aparicio and Wilkes should be awarded a retroactive permanent appointment date due to the suspension of in-person testing and the resulting adverse salary impact. The Commission finds in this matter that the examination, list issuance and certification process could have been completed in a three-month time frame. Therefore, under these limited circumstances, it is appropriate to award Aparicio and Wilkes a retroactive permanent appointment date of November 21, 2020. As they have continued to perform the duties of the title, they are considered to have completed their working test periods.

It is noted that this determination is limited to the instant matter and does not provide precedent in any other matter.

**ORDER**

Therefore, it is ordered that this request be granted and Danny Aparicio and Ricky Wilkes permanent appointments as Campus Police Officer Recruits be recorded as November 21, 2020.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 21<sup>ST</sup> DAY OF JULY, 2021



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Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Allison Chris Myers  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Danny Aparicio  
Ricky Wilkes  
Shilon Carter-Anderson  
Division of Agency Services  
Records Center